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4 WAYMO LLC,
5 Plaintiff,
6 v.
7 UBER TECHNOLOGIES, INC., et al.,
8 Defendants.
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10 Case No.[17-cv-00939-WHA](#) (JSC)
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**12 ORDER RE: UBER'S MOTION FOR A
13 PROTECTIVE ORDER AND TO
14 QUASH**

15 (Dkt. Nos. 1782, 1865)

16 Now pending before the Court is Uber's motion for a protective order preventing the
17 deposition of its Chief Legal Officer Sallie Yoo and to quash trial subpoenas to Ms. Yoo and
18 Uber's litigation counsel Arturo Gonzalez.

19 Waymo may take Ms. Yoo's deposition for up to four hours. Waymo does not seek to
20 depose Ms. Yoo regarding the conduct of this litigation, for example, to ask why documents were
21 not produced in this litigation, thus the so-called *Shelton* rule does not apply. *See Pamida, Inc. v.*
22 *E.S. Originals, Inc.*, 281 F.3d 726, 728 (8th Cir. 2002); *see also ATS Products, Inc. v. Champion*
23 *Fiberglass, Inc.*, 2015 WL 3561611 (N.D. Cal. June 8, 2015) (noting that *Pamida* held "that the
24 *Shelton* rule should not apply where a party seeks to depose opposing counsel about a prior closed
25 case, rather than the pending case."). The Court finds instead that Ms. Yoo, as Uber's Chief Legal
26 Officer, is an apex deponent. However, Waymo's opposition demonstrates that she has first-hand
27 knowledge of relevant facts and that the deposition is not sought for purposes of harassment or
28 burden. (*See* Dkt. No. 833.) That others may have attended the same meetings or been copied on
the same emails does not eliminate the need for her deposition given Ms. Yoo's influential
position with Uber. Accordingly, the Court denies the motion to quash her deposition, but limits
the deposition to four hours. The deposition shall occur on or before October 6, 2017.

1 Uber also seeks to quash Waymo's *trial* subpoenas to Ms. Yoo and Uber's lead litigation
2 counsel Arturo Gonzalez. As this is a trial issue, and not a discovery issue, the motion is denied
3 without prejudice to Uber raising the issue before Judge Alsup.

4 Any objections to this Order must be filed with the district court on or before 5:00 p.m. on
5 Friday, September 29, 2017.

6 This Order disposes of Docket Nos. 1782, 1865.

7 **IT IS SO ORDERED.**

8 Dated: September 28, 2017



9
10 JACQUELINE SCOTT CORLEY
11 United States Magistrate Judge

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United States District Court
Northern District of California